

**REMARKS**

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-5 and 8-18 are pending. Claims 6 and 7 have been cancelled without prejudice to or disclaimer of the subject matter set forth therein. Claims 1-5, 8-9, 11, 13-15, and 18 are amended. Claims 5, 6, and 12-18 have been withdrawn. Claims 1 and 18 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Reasons for Entry of Amendments**

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by placing the claims in compliance with 35 U.S.C. § 112, first and second paragraphs, and by canceling allowable claim 7 and intervening claim 6, and incorporating the allowable subject matter thereof into independent claim 1. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

**Allowable Subject Matter**

The Examiner states that claims 7-11 would be allowable if rewritten in independent form and amended to overcome the rejections under 35 U.S.C. § 112, first and second paragraph.

The Applicant thanks the Examiner for the early indication of allowable subject matter in this application. In response, the Applicant has amended independent claim 1 to incorporate the allowable subject matter of objected-to claim 7 and intervening claim 6 into independent claim 1. Claim 1 is in condition for allowance without including the subject matter of dependent claims 2-4.

**Restriction Requirement**

The Examiner has withdrawn claims 5, 6, and 12-18 from consideration and has made the election of species requirement FINAL. Assuming independent claim 1 and the elected claims depending therefrom are found to be allowable, the Examiner is respectfully requested to consider the non-elected claims. The Examiner is reminded that a reasonable number of species are allowed in a single application.

**Claim for Priority**

The Examiner has acknowledged the Applicant's claim for foreign priority based on the German Patent Application filed on October 17, 2000. A certified copy of the priority document will be submitted in due course.

**Objection to the Specification**

The Examiner has objected to the specification asserting, “there is no description of a device for optoelectronic monitoring and post-sorting means”.

In response, dependent claim 11 has been amended to delete the object matter that the Examiner asserts is not described in the specification.

Reconsideration and withdrawal of this objection are respectfully requested.

**Claim Objections**

The Examiner has objected to claim 3. In order to overcome this objection, the Applicant has amended claim 3 in order to address the issues pointed out by the Examiner. Reconsideration and withdrawal of this objection are respectfully requested.

**Objection to the Drawings / Amendments to the Specification and Claims**

FIG. 2 is objected-to because it does not show:

the first temperature equalizing system 33 between the first pre-freeze tunnel system 31 and the first main freeze tunnel system 32a as set forth in dependent claim 2, and

the second temperature equalizing system 33a between the second pre-freeze tunnel system 31a and the second main freeze tunnel system 32a, as set forth in dependent claim 3.

In response, the Applicant has amended paragraph [0040] of the specification and well as claims 2 and 3, to reflect the original disclosure of the invention as illustrated in FIG.

Accordingly, the specification, claims, and FIG. 2 (as originally filed) are now consistent. No new matter has been added.

Reconsideration and withdrawal of this objection are respectfully requested.

**Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 2-4 and 11-17 stand rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, the Applicant has amended claims 2 and 3 to address the issue pointed out by the Examiner. The Applicant respectfully submits that the claims, as amended, particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**Rejection Under 35 U.S.C. § 112, second paragraph**

Claims 8-11 stand rejected under 35 U.S.C. § 112, first paragraph; and claims 1-18 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In order to overcome this rejection, the Applicant has amended claims 8 and 9 to address the issue pointed out by the Examiner. The Applicant respectfully submits that the claims, as amended, particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**Rejections Under 35 U.S.C. §103(a)**

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ellers et al. (U.S. 5,524,838) in view of Bonnet (U.S. 5,368,240), Jokinen (U.S. 6,209,812), and Quinn (U.S. 3,622,089); and

claims 2-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ellers et al. in view of Bonnet, Jokinen and Quinn, and further in view of Schorsh et al. (U.S. 4,084,387).

These rejections are respectfully traversed.

**Amendments to Independent Claim 1**

As noted above, the Applicant has amended independent claim 1 to incorporate the allowable subject matter of objected-to claim 7 and intervening claim 6 into independent claim 1. (The subject matter of claims 2-4 have not been included in amended claim 1, as this subject matter is not needed for independent claim 1 to be allowable).

Accordingly, independent claim 1 now recites a combination of elements directed to a system for processing a material, including *inter alia*,

a metal separator connected downstream with respect to each of the fine reducers;

a discharge unit connected downstream with respect to each of the metal separators, the discharge units for releasing rubber fragments; and

heating and drying means connected downstream with respect to each of the discharge units.

Independent claim 18 has been amended in a similar manner.

Support for the features set forth in independent claims 1 and 18 as amended can be seen, for example, in FIGS. 8 and 9.

By contrast, Ellers et al. fail to suggest fine reducers or heating with drying means connected downstream thereof.

Further, as can be seen in Bonnet FIG. 1, this document merely discloses material in main cooling tunnel 12, through discharge aperture 43, and then directly into crushing means 46. Bonnet, as with Ellers et al., also fails to suggest fine reducers heating with drying means connected downstream thereof, as set forth in claims 1 and 18.

The Jokinen and Quinn documents are cited merely to teach a plurality of fine reducers arranged in parallel following a pre-classifying system. Neither suggests fine reducers or heating with drying means connected downstream thereof.

Nowhere in any of Ellers et al., Bonnet, Jokinen, or Quinn is there any hint of a metal separator connected downstream with respect to each of the fine reducers; a discharge unit connected downstream with respect to each of the metal separators; and heating and drying means connected downstream with respect to each of the discharge units, as set forth in independent claim 1 and 18 of the present invention.

At least for the reasons explained above, the Applicant respectfully submits that the combination of elements as set forth in each of independent claims 1 and 18 is disclosed or made obvious by the prior art of record, including Ellers et al., Bonnet, Jokinen, and Quinn.

Therefore, independent claim 1 is in condition for allowance. For the same reasons, independent claim 18 should be in condition for allowance.

*Application No. 09/982,489*  
*Amendment dated March 28, 2006*  
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In view of the fact that dependent claims 2-5 and 8-17 now depend from an allowable independent claims, or due to the additional novel features set forth therein, the Applicant respectfully submits that each of these claims is in condition for allowance.

All claims of this application are now in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

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### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$60.00 is attached hereto.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for



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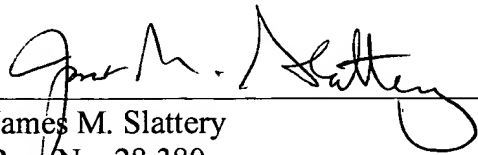
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any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

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